

ESTATE OF SOPHIE JUDD COOKE (Dec 'd)

A66-110

August 9, 1966

Mr. Meyer M. Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui, Hawaii 96793

Dear Mr. Ueoka:

At its meeting on August 5, 1966, the Land Use Commission voted to accept the withdrawal of the petition by the Estate of Sophie Judd Cooke (A66-110) to amend the land use district boundaries at Kahanui (Kalae) Molokai, Tax Map Key 5-2-13: 17, from an Agricultural District to an Urban District, as requested in your letter of August 2, 1966.

We are in receipt of a check in the amount of \$50.00 for the second petition (A66-135) and will therefore process the application for a change in land use district boundaries from an Agricultural District to a Rural District for the subject parcel, in accordance with Section 98H-4, RLH 1953, as amended, and Act 32/SLH 1965. A public hearing on your petition will be scheduled in the County of Maui no sooner than 60 days and no more than 120 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

We will inform you of the date of hearing as soon as it is determined.

Should any questions develop in the meantime, we will contact you. If you should have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Director, Maui Planning Comm.

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

Item Estate of Sophie Cooke
~~Frank + Bessie Morris~~ Date 8-5-66
Place Hilo Hwy Office Time _____

Commissioners	Yes	No	Abstain	Absent
<i>S</i> BURNS, C.E.S.	✓			
FERRY, J.				
INABA, G.	✓			
MARK, S.	✓			
NISHIMURA, S.		✓		
OTA, C.	✓			
<i>M</i> WENKAM, R.	✓			
WUNG, L.		✓		
THOMPSON, M.	✓			

Comments:

For withdrawal of petition

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

State Highways Division
Hilo, Hawaii

9:50 a.m. - August 5, 1966

Commissioners Present: Myron B. Thompson, Chairman
C. E. S. Burns
Goro Inaba
Shelley Mark
Robert G. Wenkam
Leslie Wung
Charles Ota
Shiro Nishimura

Commissioners Absent: Jim P. Ferry

Staff Present: George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

Chairman Thompson opened the meeting with a short prayer, followed by an outline of the procedures to be followed, introduction of Commissioners and staff members, and swearing in of persons testifying during the hearings.

PUBLIC HEARINGS

PETITION OF LILIUOKALANI TRUST (A66-122) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR APPROXIMATELY 14½ ACRES, AND FROM AN URBAN DISTRICT TO AN AGRICULTURAL DISTRICT FOR APPROXIMATELY 1¼ ACRES OF LAND AT KAILUA, KONA, HAWAII, identifiable by TMK 7-4-08: Portion 2

Staff report (see copy on file) presented by Mr. George Moriguchi recommended favorable action of the petition since utility services and access facilities were available in the area, and topographic conditions were suited for urban development.

Chairman Thompson requested that he be excused from participating in this hearing since his employment by the petitioner constituted a conflict of interest.

Mr. Robert Belt of Belt, Collins & Associates, Ltd. requested that the boundary be modified to permit a more orderly development than would be possible

See page 5

under the original boundary which was established arbitrarily on the basis of earlier plans. He added that the treatment plant was presently in operation.

Since there was no further testimony, the hearing was closed thereafter.

PETITION OF W. H. SHIPMAN, LTD. AND KEAAU LAND CO., LTD. (A66-126) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT FOR APPROXIMATELY 112 ACRES AT KEEAU, HAWAII

Staff recommendation (see copy on file) was for approval of 47.5 acres of the petitioners' lands as indicated by the limits of the orange line on the map, on the basis of the need for additional houselots to provide for families being phased out of plantation camps and the need of additional urban lands in the Keaau area.

Mr. Moriguchi pointed out the 80% planted in cane and the remaining vacant lands on the map, which left an agricultural strip right in the center of subject lands. He advised that reclassification of this strip would be considered as the next item on the agenda.

Recognizing the need for expansion of the Keaau area, the General Plan proposal is for development of the urban by phasing out the old homes and providing residential homes.

Commissioner Ota felt that prime agricultural lands would be exploited and that there were other areas suitable for the proposed urban development.

Mr. Moriguchi supported the General Plan since it proposed a logical expansion of an already existing urban complex with all of the necessary facilities such as schools, fire station, police station, plus the fact that the new civic center is located in this area.

Mr. L. N. Nevels, Jr. representing the petitioners advised that it was their desire to provide the requisite house lots so that people could move out of their dilapidated homes in the existing Keaau Village. The petitioners would also be willing to accede to staff's recommendation for reclassification of 47½ acres to an Urban District, with the hope that upon evidence of proof of demand for additional urban lands within the next 5 years, they would receive favorable consideration from the Commission.

Mr. Nevels submitted that there were almost no urban lands available for residential use in the Keaau area at the present time.

Commissioner Ota commented that it was almost incumbent on the part of large landowners to prepare a master plan involving their lands, and that without such a plan the Commission would find it difficult to arrive at a sound decision.

Mr. Suefuji, Hawaii County Planning Director, advised that such a master plan had been drawn up as represented by Ordinance 317 of the County of Hawaii, which was a reflection of coordinated efforts of the County and the private landowners. He also added that the Hawaii Planning Commission was in accord with the staff's recommendation. The hearing was closed thereafter.

PETITION OF THE LAND USE COMMISSION (A66-133) TO AMEND THE DISTRICT BOUNDARY FOR SEVERAL AREAS IN THE KEAAU DISTRICT

Staff report (see copy on file) submitted that the Land Use Commission, upon its own motion, was petitioning for boundary changes in the Keaau District, which would change 60.5 acres from Urban to Agricultural, and 43.5 acres from Agricultural to Urban. Mr. Moriguchi reported that the County of Hawaii was generally in concurrence with staff recommendation, although they felt that the 9½ mile camp should be retained in the Urban District.

Commissioner Ota reiterated his earlier comments with reference to the responsibility of the landowners to provide for an orderly phasing out program in a master plan to preclude the untimely eviction of the present tenants.

In response to Commissioner Nishimura's question, Mr. Moriguchi advised that presently there were 92 acres in the urban complex within Keaau town, which were densely developed, and that it would be unfeasible to phase out the whole structure within the urban complex until provisions were made in some other area for expansion. He felt that the 45 acres being considered under the Shipman petition could be considered a step in this direction.

It was also brought out that W. H. Shipman and Keaau Land Co. had engaged the services of Belt, Collins & Associates, Ltd. to prepare a master plan for the Keaau area, and that the County of Hawaii was also following a plan prepared by this same firm for the whole South Hilo area.

Mr. Suefuji reported that the Hawaii Planning Commission agreed with the staff's proposal except for the recommended change of Area #9 known as the 9½ mile camp. For purposes of facilitating rental transactions, and the fact that the owners would be compelled to apply for a special permit of the subdivision if the subject area were reclassified from Urban to Agriculture, the Hawaii Planning Commission complied with their request to retain the area in an Urban District for the next 10 years. Also, under the subdivision ordinance, roads would have to be brought up to County standards which would be impractical for a 10-year period.

Mr. Moriguchi advised that the primary concern here was continuation of the existing use, i.e. to permit present tenants occupancy until such time as they are able to relocate themselves, and that the present uses could be permitted even under a change in land designation. On the matter of the rental transactions, he wondered if some arrangement could not be worked out between the plantation and the tenants. Leaving Area #9 in urban would leave a pocket of urban lands in an agricultural area, Mr. Moriguchi concluded.

Mr. Nevels commented that Shipman and Keaau Land Co. were working on a community lease to enable the present occupants tenancy for a period of not more than 10 years, the expected life of the buildings. He said that the phasing out program involved making available good suitable lands within close proximity to those who may desire to situate themselves in the Keaau area. He agreed that the two firms concurred with the staff's recommendation except for Area #9 in the report.

It was pointed out by the Executive Officer that all of the individual landowners within the subject area of this petition, including Shipman and Keaau Land Co., were duly notified by mail of the hearing being held to reclassify the lands by this Commission, and in fact there were two such landowners present at this hearing.

The hearing was closed thereafter.

ACTION

PETITION OF MAUNA KEA SUGAR CO., INC. (A66-109) TO RECLASSIFY 36 ACRES PRESENTLY IN AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT IN HILO, HAWAII

Staff memorandum recommended denial of the reclassification involving the 36-acre since denuding these lands of the dense growth of trees can and will probably contribute to flood problems in the lower residential areas.

Mr. Kenneth Griffin, real estate broker, submitted that the developers were proposing a modified cluster type subdivision, after consulting with the Planning Director, which would allow for retention of some of the trees in the wooded areas. This would also permit 6 to 9 acres of the 36 acres to remain in its natural state. Mr. Griffin felt that these lands constituted prime residential areas and would be an asset to the City of Hilo.

Mr. Suefuji stated that flooding of Kaumana Terrace, Bay View and subdivisions surrounding subject lands resulted from waters coming from the mauka area 5½ miles away. Mr. Griffin added that there did not seem to be any appreciable flooding in the area under discussion.

The drainage problem would be taken care of by curbs and gutters in conformance with the County Engineer's requirements, although no detailed drainage system has as yet been drawn up. Mr. Griffin thought that the gutters would empty out into some pipe at the edge of the subdivision.

Commissioner Wenkam felt that the broad panoramic view of the Hilo Bay area would be enhanced by looking through the trees and felt that they should be kept tall and not topped off to 20 or 25' as suggested by Mr. Griffin.

Mr. Griffin also stated that fee simple lands were in demand in the area.

Mr. Moriguchi commented that although the runoff from the wooded area alone did not directly contribute to the flooding of the lower area during the recent storm, denuding the area would intensify the problem because of the topography.

Mr. Suefuji informed that in recommending approval of change from agriculture to urban, the County Planning Commission did not necessarily review the layout plan since the developers would be mandated to appear before the Commission prior to seeking approval of their subdivision plans.

Commissioner Wenkam felt that the question of leaseland versus fee simple lands should not be the concern of the Land Use Commission--that decision should

be based solely on good planning and on the need for urban use of the area in the City of Hilo.

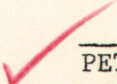
Commissioner Inaba moved that the Land Use Commission grant the applicant the 36-acre boundary change from agriculture to urban based on petitioner's statement and the recommendation of the County of Hawaii, and also because the need has been shown, seconded by Commissioner Burns.

The Commissioners were polled as follows:

Aye: Commissioners Burns, Inaba, Wung

Nay: Commissioners Mark, Nishimura, Ota, Wenkam, Chairman Thompson

The motion was not carried.

 PETITION OF ESTATE OF SOPHIE JUDD COOKE (DEC'D) (A66-110) TO RECLASSIFY APPROXIMATELY 4.9 ACRES FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT MOLOKAI

Staff memorandum (see copy on file) presented two alternatives to the Commission involving the above-mentioned petition: (1) Process the original petition, or (2) accept the petitioner's request to withdraw the original petition and process the new petition for reclassification from Agricultural to Rural.

Chairman Thompson commented that the second alternative would require another public hearing since the request had changed from Agricultural to Rural rather than Urban.

Commissioner Ota moved to accept the petitioner's request for withdrawal of the original petition and process the new petition by scheduling another public hearing. It was seconded by Commissioner Burns.

In reply to Commissioner Nishimura's query, Mr. Moriguchi replied that the original request would contribute to the concept of scattered urban development.

The Commissioners were polled as follows:

Aye: Commissioners Burns, Inaba, Mark, Ota, Wenkam, Chairman Thompson

Nay: Commissioners Nishimura, Wung

The motion was carried.

PETITION OF FRANK & BESSIE MONIZ (A66-112) TO RECLASSIFY APPROXIMATELY 6.9 ACRES OF LAND AT KAONOULU, KULA, MAUI, FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT.

Staff memorandum (see copy on file) recommended denial of the petition because of the decreasing population trend in the Waiakoa area and the lack

of supporting data for need of additional rural lands.

In support of the need for additional rural lands in the Kula District, Commissioner Ota submitted that cost of land was an important consideration, and the minimum cost of land per acre in this area would run close to \$3,000. The construction of the new highway definitely contributed toward change in land use of subject parcel by separating it from the Kaonoulu Ranch. It was also pointed out by Commissioner Ota that contrary to staff's report, population was on the upward swing in the Kula area. The idea of vast amounts of rural lands and small percentage of development were not indications of population growth or adequate lands in the Kula area. As far as the subject parcel was concerned, Commissioner Ota commented that the terrain was uneven, bounded by two highways, adjacent to an Urban area with urban facilities available, appropriate for half-acre house sites. He continued that subdividing the parcel into 6 lots would not constitute an urban-like concentration, and that the Commissioners should take all of these factors into consideration.

Commissioner Ota agreed that an element of hardship did exist for the petitioner since he had purchased the land from the Kaonoulu Ranch with the intention of subdividing it for houselots, in reply to Chairman Thompson's question.

The mere fact that the petitioner was requesting reclassification of the land from Agricultural to Rural did not preclude the use of it for agricultural purposes; that supplemental income could be derived from agricultural pursuits on subject land, Commissioner Ota concluded.

Commissioner Wenkam agreed with staff that the fact petitioner claims the land is not feasible for ranching, truck crops or other related uses, should not place the land in rural or urban. However, at this particular highway junction, rural and urban uses already existed and it was highly probable that, upon subdivision of subject lands, they would be bought and built upon long before other vacant lots in the Kula area due to its proximity to the already existing residential areas.

Commissioner Nishimura expressed his concern for agricultural lands in Maui and felt that petitioner could come up with a subdivision of 2-acre minimum lot sizes without undue financial hardship.

Referring to Commissioner Wenkam's earlier comment, Mr. Moriguchi stated that even within the Urban District, lands were being used for pasture. Therefore, the Commission should be concerned with the need for urban lands and not so much with the fact that these lands are suitable and located near existing facilities.

It was moved by Commissioner Ota and seconded by Commissioner Wenkam that the petition be approved since the land is appropriate for rural development and on the basis of the petitioner's arguments in his petition. The Commissioners were polled as follows:

Aye: Commissioners Wenkam, Wung

Nay: Commissioners Burns, Inaba, Mark, Nishimura, Ota, Chairman Thompson

The motion was not carried.

SPECIAL PERMITS

APPLICATION OF SHIGE HIRANO (SP66-29) TO CONSTRUCT A SERVICE STATION, GENERAL MERCHANDISE STORE AND RESIDENCE ON AGRICULTURAL LANDS IN GLENWOOD, PUNA, HAWAII

Staff Report (see copy on file) recommended approval of the special permit application since no adverse factors were present.

Commissioner Burns moved to approve the special permit application on the basis of the staff's report, seconded by Commissioner Nishimura.

Chairman Thompson wondered whether the unsuitability of the land for agricultural or farming uses brought out in the staff report should not be deleted since this might set a precedent. Instead it was suggested that the reasonableness of the use requested might be substituted.

Mr. Moriguchi informed that this was just a quotation taken from documented information and that it should remain part of the report.

The Commissioners voted for unanimous approval of the petition.

The hearing was adjourned at 12:00 noon.

The hearing was resumed at 2:45 p.m.

ACTION

PETITION OF MAUI COUNTY (IAO) (A66-113) TO RECLASSIFY 15,300 SQUARE FEET OF LANDS FROM THE CONSERVATION DISTRICT TO THE RURAL DISTRICT IN IAO VALLEY, MAUI

Staff maintained its original recommendation for denial of the petition (see copy of report) due to lack of substantiation for the need of additional rural lands and the existence of several inconsistencies involving the proposed use of the subject lands.

During the discussion that ensued, the following points were brought out:

1. It was Mr. Duarte's desire to merely append the subject parcel to his property.
2. It was possible to effect land exchange without reclassification.
3. Mr. Duarte was not willing to exchange lands unless County's conservation land could be reclassified to rural.
4. The benefit to the people of Maui by this proposed land exchange was not obvious.
5. The County of Maui should be encouraged to expand Kepaniwai Park by purchasing this land outright from Mr. Duarte rather than going through a land exchange and using this parcel for the caretaker's home.

6. The Commission's decision should be based on the merits of the reclassification of subject land.

Commissioner Burns moved to deny the petition based on the staff recommendation, seconded by Commissioner Wung. The motion was passed with Commissioner Nishimura casting the only dissenting vote.

PETITION OF HAWAII COUNTY (A66-115) LALAMILO) TO RECLASSIFY 12.1 ACRES OF AGRICULTURAL LANDS INTO URBAN LANDS AT LALAMILO, SOUTH KOHALA, HAWAII

It was moved by Commissioner Wenkam and seconded by Commissioner Wung to accept the staff recommendation (see copy on file) for approval of the petition. The motion was carried unanimously.

PETITION OF HAWAII COUNTY (A66-117) (HILO) TO RECLASSIFY 3.25 ACRES OF LAND FROM AGRICULTURAL TO URBAN AT HILO, HAWAII

Commissioner Burns moved to approve the petition on the basis of staff's recommendation as presented by the staff report (see copy on file), which was seconded by Commissioner Wung and carried unanimously.

PETITION OF EDWIN & ELSIE IGE (A66-120) TO RECLASSIFY APPROXIMATELY 58 ACRES OF AGRICULTURAL LANDS TO A RURAL CLASSIFICATION AT WAIAKOA, MAUI

Staff report (see copy on file) recommended denial of the petition due to lack of evidence of demand for rural lots and the population decline in the Waiakoa area.

Commissioner Ota emphasized the lack of half-acre residential lots in the Kula area and the demand for such lands by people who desire a more spacious lot size than is usually available under an urban classification.

Commissioner Burns moved that the petition be denied on the basis of the staff report, seconded by Commissioner Wenkam. The motion was carried with Commissioner Wung casting the only negative vote.

RURAL DISTRICT STANDARDS

The floor was opened for a discussion of the Rural District standards. Chairman Thompson pointed to the fact that the present provisions under the Rural Districting allowed for only a grid-type subdivision of one house per $\frac{1}{2}$ acre. The question was raised as to whether an amendment of the law was in order to afford a more attractive, creative type of rural development, such as a cluster-type subdivision.

Mr. Moriguchi explained that in establishing the Rural District, the law indicated that it shall include small farms mixed with very low density residential lots. However, the actual uses within the Rural District have deviated

considerably from the original intent of the law, as evidenced by the Pukalani Subdivision which is at present primarily in intensive residential use.

Mr. Moriguchi continued that our law was specific in that it specified that the lot sizes in the Rural District shall be $\frac{1}{2}$ acre and not on the overall density of the subdivision.

Commissioner Ota expressed the idea that the foremost consideration should be whether the area was prime agricultural lands within the Rural District. If so, that area considered as prime agricultural lands could possibly be spot-zoned as an Agricultural District and the remainder permitted for intensive residential purposes within a Rural District.

Commissioner Wenkam expressed the view that he was opposed to any attempt to rewrite the Rural District Regulations increasing the density, since he felt that the rural areas were specifically designated for low density residential uses mixed with farm activities. Any change in the regulations would merely place into the rural areas, activities which are primarily urban. He added that the Rural District was established to afford the neighbor islands greater control and flexibility over their lands. Commissioner Wenkam suggested that perhaps it would behoove the Land Use Commission to abolish the Rural District and establish it as a non-conforming use within the Agricultural District, thereby confining urban uses to the Urban District.

Commissioner Inaba commented that the Mauna Loa Development's Volcano subdivision should have been more properly reclassified to Rural rather than Urban. However, due to the restrictions imposed by the rural classification, the developers could not pursue their cluster-type plan under this designation.

Commissioner Burns felt that it was difficult to associate each house with half-acre lots and still come up with an attractive cluster-type plan with open spaces between.

Mr. Roy Takeyama, legal counsel, advised that if the Commission were seeking control within a Rural District, petitioners could be encouraged to take the special permit approach. The only test to be applied here would be the unusual and reasonable use of the lands. The developers could proceed with their proposed plans and keep to the permitted density. He suggested that the Commission make a study of the special permit regulations to see how similar requests could be channeled through this method. This would also require amendment of Section 2.29 (b) of the Regulations concerning guidelines to aid petitioners whenever they are seeking an urban or rural use of lands in either a Rural, or Agricultural, or Conservation District, in determining which avenue they should follow.

In reply to Commissioner Mark's question, Mr. Takeyama advised that conditions could be imposed on special permits as opposed to boundary changes, since the petitioner would be bound by the plans that he submits at the time of the application.

Mr. Takeyama continued that he could not see how a residential subdivision could be considered as an unusual use under a special permit, but that a resort complex could conceivably fall within this description.

Chairman Thompson felt that a legal opinion was in order as to whether the Land Use Commission could impose conditions on special permits. However, he commented that this still did not solve the problem experienced by this Commission in the past whereby developers deviated from the intent of the law for uses within the Rural District. The basic issue here was one of assisting the developers to keep to the proposed plans and still keep within the intent of the law.

Along the lines proposed by Commissioner Wenkam, Mr. Moriguchi felt that by eliminating the Rural Districts and allowing for residential uses in Agricultural Districts under special permits, the Land Use Commission would have control over the actual final development of the land. The Rural District stipulation of "small farms mixed with residential uses" could also be satisfied in this way.

Mr. Takeyama was doubtful that this could be accomplished without changing the test to be applied under the special permit procedure.

Since considerable concern was expressed over the use of rural lands following reclassification, Mr. Takeyama advised that if the special permit procedure had been followed instead by the petitioner, control over the development of the lands could have remained with the Commission since its approval of the permit would have mandated the petitioner to adhere to the development plans as submitted during the hearing.

Commissioner Ota commented that rural districting had its place on the neighbor islands since it allowed for limited animal farming which would not be permitted in an Urban District. He was also of the opinion that eliminating the Rural District and employing the special permit procedure for marginal lands within an Agricultural District would not always be feasible.

Mr. Takeyama agreed that there was a definite need for rural districting and that perhaps the Commission should be more restrictive and selective in approving requests for rural classification.

Chairman Thompson took exception to this and submitted that the Commission had been very selective in granting rural districting and fully aware of the problem of implementing the intent of the law.

Commissioner Mark felt that Mr. Takeyama's suggestion of employing the special permit method with explicit instructions could possibly handle the situation.

As a result of the foregoing discussion, the following are some of the points that were brought out:

1. To maintain the Rural District as presently stipulated in the rules, but to amend and strengthen the special permit procedure to afford stricter controls over rural lands.
2. Request staff and legal counsel to report on a proposal to implement the above intent of the Commission, a sketchy one in September and a detailed report in October.

3. Look into the matter of assisting developers to follow original plans submitted at the time of public hearing, which was the basis for the Commission's reclassification approval.
4. The County could not impose conditions under the County Zoning Ordinances; that conditions could only be imposed under a zoning variance.

In summary, Chairman Thompson outlined the problems confronting the Land Use Commission:

1. Is there any way of holding the petitioner to the development plans and facts presented at the time decision was made?
2. If conditions or circumstances change necessitating alterations in the original plans, how can the regulations be implemented to enable Commission to negate the boundary change and require the petitioner to come in with amended plans for a new decision.
3. The Commission had the responsibility of seeing that State and County funds were expended judiciously.

With reference to the County's jurisdiction over petitioner's lands, Commissioner Mark suggested that perhaps the County Planning Commission might give tentative approval to a plan to be presented to the Land Use Commission, and grant final approval after the boundary change had been effected.

Mr. Moriguchi advised that the County Planning Commission develops a detailed land use map and the developer's plans would have to adhere to this.

Chairman Thompson requested legal counsel to research the possibility of having the County Planning Commission set conditions on the petitioner's plans before they apply to the Land Use Commission, by strengthening the County Ordinances.

CONSERVATION DISTRICT ADMINISTRATION

Commissioner Wenkam opened the discussion by expressing his fears and concerns over the administration of the Conservation District. Our regulations provide for procedures to amend district boundaries and within this section it provides for guidelines which the Commission established, namely: "Whenever a petition covers substantial acreage of land and petitioner seeks a use other than that for which it is districted, he should seek a boundary change."

Commissioner Wenkam pointed to three occasions recently where he felt the intent of the regulations had been violated: 1) Waialae-Iki special permit for use of 26 acres of conservation lands for subdivision purposes; 2) Lihue Plantation special permit to grow sugar cane on 372 acres of conservation land; 3) Church College of Hawaii special permit for 100 acres to establish a church college on conservation lands.

Commissioner Wenkam continued that when a major change of land use is proposed involving substantial acreage, the Land Use Law clearly states that the

petitioner should come in for a boundary change. He felt that the intent and essence of the Land Use Law were being injured, and that it was not being administered properly when such changes were allowed to occur under a special permit procedure with the Department of Land & Natural Resources. He did, however, advise that he felt that the uses in all three instances were reasonable and appropriate--he was only arguing from the standpoint that the proper procedure should have been through a boundary change following a public hearing.

Commissioner Ota argued that in the case of Lihue Plantation, if a boundary change had been effected from conservation to agricultural, abuse of the lands could have resulted since there would be no control over agricultural uses in an Agricultural District. Commissioner Wenkam replied that damage could occur by extensive, excessive use of the lands under any circumstances.

Commissioner Wenkam pointed out that in the past the Commission had rejected special permit applications when the requests involved large areas of land and he felt that the Department of Land & Natural Resources should respect our regulations and also do likewise under similar circumstances, especially since the Land Board was not mandated to conduct a public hearing. He thought the Land Board should guide the petitioner to seek boundary change in such instances.

Commissioner Wenkam recommended transmitting a letter to the Department of Land & Natural Resources, with a copy of the Land Use Regulations, pointing out the boundary change procedure whenever substantial lands were involved. He was of the opinion that the Division of Forestry could administer these conservation lands to evaluate whether or not the water shed areas were being observed, in much the same way the Counties administered agricultural lands. He continued that change of land use of substantial areas constituted a change in zoning and that the Land Use Law specifically spells out that urban uses shall occur within the Urban District and agricultural uses shall occur in an Agricultural District. Therefore, granting non-conservation uses in a Conservation District under a special permit was circumventing the intent of the Land Use Law. He thought perhaps the Land Board was not aware of these stipulations in the Land Use Law.

Mr. Moriguchi quoted that portion of the law, Section 19-70, which vested in the Department of Land & Natural Resources the authority to govern Conservation Districts, and that the Department of Land had no choice but to process special permit applications upon receipt.

Chairman Thompson commented that interpretation of the law was the prime consideration here and expressions of opinion from the other Commissioners in this respect were in order.

Commissioner Ota stated that at the time the Conservation District boundaries were drawn, the Commission included the grey areas suitable for limited agricultural pursuits as were areas of aesthetic value.

Commissioner Wenkam argued that provisions for residential uses within a Conservation District under Section 19-70 in the Revised Laws should not be construed to include subdivisions, in reply to Mr. Takeyama's reference to the law. At the time of the Conservation District hearings, it was clearly expressed

that permissible uses were cabin communities, casual beach houses, and not subdivisions or plantations or schools.

Mr. Takeyama disagreed entirely with Commissioner Wenkam's contention that the Land Use Regulations stipulated that applicant come to the Land Use Commission for boundary change for lands of substantial nature. If petitioner chose to go before the Land Board for use within a Conservation District and the Department of Land & Natural Resources approved the request, the Land Use Commission had no say in the matter.

Commissioner Wenkam replied that he was not contesting the authority of the Department of Land & Natural Resources. He was only challenging the decision of the Land Board to accept the petition for a special permit involving substantial lands.

Commissioner Burns commented that following the establishment of boundaries, Conservation Districts were turned over to the Department of Land & Natural Resources to administer, urban lands fell under the jurisdiction of the counties. The Commission may not always agree with their decisions, but to superimpose one agency over another did not necessarily insure better administration of the lands. In essence, we would be arguing that the Land Use Commission was more knowledgeable and astute in making decisions.

Mr. Moriguchi pointed out that our own regulations stipulated that "any and all uses permitted by the regulations of the Department of Land & Natural Resources shall be allowed in this district".

Commissioner Mark observed that it was clear that the Land Use Commission had discharged its responsibility within the Conservation District very well, and that if there were any complaints over the administration or uses of these lands, they should be properly taken up with the Department of Land and Natural Resources.

Chairman Thompson summarized that basically Commissioner Wenkam's and the other Commissioners' interpretation and intent of the law differed. Therefore, a clear definition of the intent of the law was necessary before any decision could be reached.

Commissioner Wenkam countered that the Land Use Commission was the zoning power of the State and if any interpretation were going to be made, it should be rendered by this Commission.

Commissioner Wung moved that a letter be sent to the Department of Land & Natural Resources to consider the referral of petitioner to the Land Use Commission whenever petition involved change of land use for substantial acreage in a Conservation District. Commissioner Burns seconded the motion.

Mr. Takeyama cautioned that a letter of this nature might suggest the implication that the Department of Land & Natural Resources was not carrying out its responsibilities and tend to destroy the good rapport established between the Land Use Commission and the Land Board. In other words, it would be akin to advising the Land Board of the proper execution of its responsibilities.

The Commissioners were polled as follows:

Aye: Commissioners Ota, Wenkam, Wung

Nay: Commissioners Burns, Inaba, Mark, Nishimura, Chairman Thompson

The motion was not carried.

Chairman Thompson wondered whether staff might confer with a member of the Department of Land & Natural Resources staff to define the term "substantial" so that both agencies might have some guidelines to follow in determining whether a petition should come in for a special permit or a boundary change. He suggested that this might be accomplished on an administrative level. However, the final decision to accept a special permit application within a Conservation District or refer the matter to this Commission should be left to the discretion of the Land Board, since they would be more knowledgeable and in a better position to determine uses within a Conservation District.

Mr. Takeyama expressed doubt that a determination could be reached over the definition of "substantial" since there was no planning basis, nor legal basis one could be guided by--it was a very arbitrary matter and would depend largely on the circumstances.

Commissioner Wung moved to recommend that the Land Use Commission staff confer with the Department of Land & Natural Resources staff to discuss what constitutes substantial use, which was seconded by Commissioner Burns. The motion was passed with only Commissioner Ota voting in the negative.

SALT LAKE GOLF COURSE

Chairman Thompson felt that the Salt Lake Golf Course involved a jurisdictional matter which had been lengthily discussed under the foregoing heading of "Conservation District Administration" and therefore should be considered as having been covered under that discussion.

STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

Kahului Library

Kahului, Maui

4:30 P.M. - June 17, 1966

Commissioners

Present:

Charles S. Ota, Chairman Pro Tempore
Jim Ferry
Leslie Wung
Shiro Nishimura

Commissioners

Absent:

Myron B. Thompson
Shelley Mark
C. E. S. Burns, Jr.
Robert Wenkam
Goro Inaba

Staff Present:

George S. Moriguchi, Executive Officer
Roy Takeyama, Legal Counsel
Ah Sung Leong, Draftsman
Dora Horikawa, Stenographer

The meeting was called to order by Acting Chairman Ota. A brief review of the procedures to be followed during the hearings was outlined by Mr. Moriguchi. Mr. Takeyama, legal counsel, swore in members in the audience who would be testifying during today's hearing.

PETITION OF ESTATE OF SOPHIE JUDD COOKE (DEC'D) (A66-110) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO AN URBAN DISTRICT AT KAHANUI, MOLOKAI, identifiable by Tax Map Key 6-2-13: 17

Staff recommendation on the above petition, presented by Mr. Moriguchi, was for denial of the request since the petitioner had not substantiated the need for additional urban lands in the area and since the present Kalae Urban District amply provides for urban expansion. (See copy of report on file.)

There was no discussion and since no representative of the petitioner was present, the hearing was closed.

PETITION OF FRANK & BESSIE MONIZ (A66-112) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT KAONOULU, KULA, MAUI, identifiable by Tax Map Key 2-2-06: 63

Mr. Moriguchi presented the staff report (copy on file) recommending denial of the petition in view of the fact that ample lands for expansion within the Rural District have been provided and the need for additional rural lands in the Kaonoulu area had not been substantiated.

Mr. Moriguchi elaborated on the significance of the various colored areas on the map and also pointed out the location of the Rice Memorial Park in relation to the petitioner's lands.

Mr. Douglas Sodetani, representing the petitioners, advised that Frank and Bessie Moniz were now the owners of the subject property. He also submitted that there was no access to the subject lands by the new Lower Kula Highway, as stated in the staff report--that the primary access was by the old Lower Kula Road.

Mr. Sodetani felt that the U. S. Census report of a 20 percent decline in the population of the Waiakoa area during the period 1950 to 1960 was a fallacy as evidenced by the tremendous upsurge of construction taking place in the Kula area.

Mr. Sodetani argued that there was a great need for rural development of one-half acre lots in Kula. He stated that there were many reasons why approximately 400 acres presently classified in the Rural District were not fully developed:

1. Ownership
2. Cost of developing these properties
3. Topography and inadequate water supply

Mr. Sodetani also referred to the special permit granted in March, 1963 for development of 14 acres for residential purposes. He commented that the owner had gone into a financial bind and had not been able to develop the lands for marketing.

Due to the limited amount of lands available in the County of Maui for development, Mr. Sodetani felt it was unjust to allow lands to lie idle merely on the premise that there were other ample lands provided for expansion. He felt that property owners were obliged to do one of four things: 1) sell the land, 2) develop the land, 3) lease it, or 4) find someone who can do something with it.

Mr. Sodetani added that as far back as the petitioners could remember, these lands were never used for agricultural purposes. He earnestly requested favorable consideration of the petition to help the petitioner and also the people living in the Kula area who would like to own property.

Commissioner Ferry explained that the prime consideration of the Land Use Commission was not merely to lend aid to petitioners but rather to determine whether or not the lands under consideration in the petition were suited for the classification being sought. However, he did agree somewhat with Mr. Sodetani's contention that the nearby vacant lands did not necessarily render subject lands unsuitable for a rural classification.

In reply to Commissioner Nishimura's statement that large areas zoned Urban and Rural had not yet been developed, Mr. Sodetani cited the rate of sales at Pukalani Terrace. He stated that following reclassification of the lands from Agricultural to Urban two years ago, 300 lots had been subdivided and they were presently in the third increment. Sixty-five of the lots in this third increment had already been committed, and 35 deposits had been made.

Mr. Sodetani informed that the petitioners had paid approximately \$3,800 per acre for the subject parcel, which included surveyor's fees and other expenses.

Commissioner Ota clarified the matter of water availability in the area. With the approach of the Lower Kula transmission line, he felt that water would not pose a major problem. He added that other utilities, except sewer, were also available in the area.

Since there was no further discussion, the hearing was closed thereafter.

PETITION OF COUNTY OF MAUI (A66-113) TO AMEND THE DISTRICT BOUNDARY FROM A CONSERVATION DISTRICT TO A RURAL DISTRICT AT IAO VALLEY, MAUI, identifiable by Tax Map Key 3-3-03: portions of 1, 3, and 10.

It was recommended in the staff report (copy on file), presented by Mr. Moriguchi, that pending further clarification of the matter under consideration, the staff be permitted to withhold its recommendation.

Mr. Moriguchi further elaborated that it had not been apparent to him that the County of Maui would enjoy any advantages in the land exchange. He thought perhaps a representative of the County might be able to point this out.

Mr. Kase Higa, Attorney for the County of Maui, cleared several issues relating to this petition. He submitted that the discrepancy between the Parks Committee Report and the reasons given in the application by the County was due to a typographical error--that "expansion of parking area" should have read "expansion of park area." He argued that the advantages or disadvantages to the County as a result of the land exchange were matters of concern to the County. In any event, Mr. Higa continued, he had been informed that this exchange would be advantageous to the County for several reasons; one reason being that it would be better to apply this piece of property and then move the caretaker's cottage to the green area belonging to the Duartes. Referring to the fact that extensive vacant rural lands occur within the vicinity, Mr. Higa pointed out that the County was not interested in acquiring additional rural lands to add to existing rural areas, but merely to proceed with the full development of

Kepaniwai Park. Finally, both the Board of Supervisors and the County Planning Commission had gone on record as approving this exchange.

In reply to Commissioner Ferry's query as to whether both parcels were in the Conservation District, Mr. Higa advised that Mr. Duarte's property was classified Rural and that only the red portion belonging to the County of Maui was in the Conservation District.

Commissioner Ferry then asked what Mr. Duarte intended to do with the presently County-owned parcel. Mr. Duarte replied that he was going to append it to his property which was separated only by a roadway belonging to him, and incorporate the whole thing into one parcel.

Mr. Higa explained that reclassification was being sought for technical reasons. Presently, due to its size, 15,300 square feet, the County-owned parcel did not qualify as rural lands, but by incorporating it with Mr. Duarte's property, it would have the necessary land area to so qualify.

With respect to the necessity of filling Mr. Duarte's property, Mr. Higa assured that adequate fill material was available from Iao and that this was not going to cost the County any additional expense.

Mr. Moriguchi pointed to the fact that the County property offered a tremendous view of the park, was situated right next to the park, and was a more desirable location for the caretaker's home.

Mr. Duarte countered with the statement that he owned the right of way to the County parcel and that it would not be accessible unless the County built another roadway.

Mr. Moriguchi commented that according to the County map, the road to Mr. Duarte's property actually cuts through County park lands and wondered why this same road could not be used to make the County property accessible. Mr. Sone, Maui County Engineer, replied that the matter was not that simple and that there was also some danger involved due to landslides, etc.

Mr. Duarte pointed out that the subject parcel had a 20' drop and it was continuously eroding to the area below. He added that the land was not usable for anything and that not even a house could be built on it.

Mr. Takeyama advised that the advantages or disadvantages of the land exchange were matters for the County to decide and that the discussion should be confined purely to the uses, in reply to Commissioner Nishimura's question.

On the basis of the foregoing opinion expressed by Mr. Takeyama, Mr. Moriguchi submitted that the staff recommendation would have to be for denial according to the Land Use Regulations.

The hearing was closed thereafter.

PETITION OF EDWIN & ELSIE IGE (A66-120) TO AMEND THE DISTRICT BOUNDARY FROM AN AGRICULTURAL DISTRICT TO A RURAL DISTRICT AT WAIAKOA, MAUI, identifiable by Tax Map Key 2-2-11: 1

Denial of the petition was recommended by the staff (see copy on file) based on the following findings:

1. Population growth for the Kula area was not optimistic.
2. There are extensive areas for rural expansion yet to be developed in the Rural District.
3. Rural subdivisions in the area are faced with considerable vacancies.
4. More suitable rural lands for development occur within the Rural District.

Acting Chairman Ota commented that the population of 416 for 1960 in the Waiakoa area mentioned in the staff report was somewhat misleading, in that at one time Kula was mentioned and Waiakoa at another. Mr. Moriguchi replied that that was the reason he had used the Makawao District population estimate since Makawao is more encompassing. He continued that the population projection for the Makawao District in 1970 shows a 6 to 7 percent decline.

As a point of clarification and also for the Commissioner's information, Acting Chairman Ota offered that generally the term Kula was confined to that area along the fringes of the outlying Lower Kula Road, stopping several miles from the junction at Pukalani, nearly all the way out to the sanatorium area. The term Makawao District included all the areas from East to West.

Mr. Charles C. Young, part-time Star Bulletin reporter, commented that all except one or two of the C. V. Land Co. lots had already been sold. He added that since 1960 Maui has had a tremendous growth.

Mr. Ige stated that all lands adjacent to his property were zoned Rural.

Mr. Moriguchi commented there was considerable pasture lands throughout the area marked in red, and the general use in this whole area was more agricultural than urban.

The hearing was closed thereafter.

File

1997

2121 MAIN STREET
Post Office Box 433
Phone: 33-737 or 33-738

MEYER M. UEOKA

ATTORNEY AT LAW
WAILUKU, MAUI, HAWAII 96793

August 2, 1966

RECEIVED

AUG 3 1966

State of Hawaii
LAND USE COMMISSION

Mr. George S. Moriguchi
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Re: Estate of Sophie Judd Cooke

Dear Sir:

By submitting our second petition to amend the Land Use District boundaries of that certain parcel of land situate on Molokai, belonging to the Estate of Sophie Judd Cooke, our intent is to withdraw the original petition and have the Land Use Commission act on the second petition.

I realize that the usual procedure must be followed, that is to say, that it must be referred to the Maui County Planning Commission and it must be advertised. The reason for such amendment is that the second request is more reasonable and appears to be more consistent with the overall planning.

Very truly yours,

Meyer M. Ueoka

MEYER M. UEOKA

MMU:mas

July 28, 1966

Mr. Meyer Ueoka
Attorney at Law
P. O. Box 433
Wailuku, Maui

Dear Mr. Ueoka:

Your letter of July 25, 1966 which enclosed a petition for amendment of Land Use District boundaries involving the Estate of Sophie Judd Cooke has been received.

However, an earlier petition involving the same lands is presently under consideration by this Commission with final disposition scheduled for August 5, 1966. Therefore, we would appreciate your clarification on this matter. Is it your intention to (1) withdraw the original petition and submit the second petition for processing, or (2) to submit the second petition as an amendment to the original petition?

Please reply on this matter well before the August 5, 1966 Commission meeting date.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

1990

2121 MAIN STREET
Post Office Box 433
Phone: 33-737 or 33-738

MEYER M. UEOKA

ATTORNEY AT LAW
WAILUKU, MAUI, HAWAII 96793

July 25, 1966

RECEIVED

JUL 27 1966

State of Hawaii
LAND USE COMMISSION

State Land Use Commission
426 Queen Street
Honolulu, Hawaii

Gentlemen:

There is enclosed an original and two copies of a petition for amendment to Land Use Commission district boundary from agricultural to rural for Tax Map Key, Second Taxation Division, 5-2-13:17, situate at Kahanui (Kalae), Island of Molokai, County of Maui. This parcel of land contains 4.864 acres, is a part of the Estate of Sophie Judd Cooke, deceased, and is located on the central plateau of Molokai. The subject property fronts on Kamehameha V Highway, and no part thereof constitutes prime agricultural land, as this section of the island has been aptly described as "interlocking fingers of Class C and D (Land Study Bureau rating) lands with steep gully areas". Previously, a petition for amendment of this parcel from agricultural to urban was submitted to the Commission, (Staff Report A 66-110 of June 17, 1966).

This particular area has been used for residential purposes for many years by the Cooke family and contains a number of residences and other buildings. Mrs. Cooke sought to subdivide and dispose of this parcel in essentially equal shares to each of her six children by testamentary disposition. Each of the six lots into which the parcel has been surveyed contains an area in excess of one-half acre, the minimum lot size for rural classification as contemplated by Chapter 98H, RLH 1953, as amended.

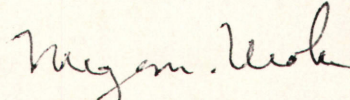
The low density residential nature of this parcel, the absence of urban environment, structures and uses in that specific area, the sub-marginal value of the lands for agriculture, and the present intermingled low density residential lots and small farm appearance throughout this area all combine to

State Land Use Commission
July 25, 1966
Page 2

emphasize that this parcel of land should be re-classified as rural. Such a classification, if submitted, would properly effectuate and implement the thought, planning, and intention of the Land Classification Laws of Hawaii. Also, under the existing district boundary in which the said parcel of land is included, the subdivision of the same in the manner proposed is unauthorized. This being so, the existing buildings, structures, and improvements on this parcel of land cannot be utilized by the individual owners undisturbed and free from interference from other owners, who are the devisees under Mrs. Cooke's Will until such subdivision is accomplished. Thus, the subject property is needed for a use other than that for which the district in which it is located is classified. The above also shows that the land is usable and adaptable for the use it is proposed to be classified, namely, rural.

A check in the sum of \$50.00 in favor of the State of Hawaii is also enclosed in accordance with your rules. Please address all communications in regard to this petition to me as attorney for the Petitioner.

Very truly yours,



MEYER M. UEOKA

MMU:lst
Encls.

STATE OF HAWAII
LAND USE COMMISSION

August 5, 1966
Hilo, Hawaii

MEMORANDUM

TO: Land Use Commission

FROM: Staff

SUBJECT: A66-109 - MAUNA KEA SUGAR CO., INC.; A66-110 - ESTATE OF SOPHIE JUDD COOKE (DECthD); A66-112 - FRANK & BESSIE MONIZ; A66-113 - MAUI COUNTY (IAO); A66-115 - HAWAII COUNTY (LALAMILO); A66-117 - HAWAII COUNTY (HILO); A66-120 - EDWIN & ELSIE IGE

A66-109 - MAUNA KEA SUGAR CO., INC.

A public hearing was held on May 6, 1966, on the matter of this petition, which requested the change in district designation for three separate parcels of land from an Agricultural District to an Urban District. The three parcels involve two acres of cane land, 5.4 acres of cane land and grazing lands, and a 36-acre parcel of wooded lands in the upper Hilo area.

On July 8, 1966, the Land Use Commission voted to approve the requested change from Agricultural to Urban for the two-acre parcel and the 5.4-acre parcel and to defer final action on the requested change for the 36-acre parcel of wooded lands. Deferral on the matter of the 36-acre parcel was based on a proposed field trip to inspect the site during the August 5 meeting of the Commission in Hilo. The petitioners have formally indicated that they would not have any objection on the deferral.

During the meeting of July 8, 1966, the staff maintained its original recommendation for denial of the reclassification involving the 36-acre parcel since:

1. The parcel contains the last vestige of handsome wooded lands in the mauka Hilo area.
2. Denuding these lands of the dense growth of trees can and will probably contribute to flood problems in the area which is presently developed for residential purposes.
3. Additional data submitted by the petitioners during the public hearing were not of such significance to warrant a change in the staff's original recommendation for denial.

Having made the field trip to inspect the 36-acre parcel under consideration, the matter of a final decision is now before this Commission.

A66-110 - ESTATE OF SOPHIE JUDD COOKE (DEC'D)

The public hearing on the matter of this petition involving the reclassification of approximately 4.9 acres from an Agricultural District to an Urban District was heard by the Commission on June 17, 1966. At that time, the staff recommended that the petition be disapproved.

Since that time, attorneys for the petitioners have submitted a new petition requesting a reclassification of the same lands from an Agricultural classification to a Rural classification. They also propose to withdraw the original petition. Accordingly, the Commission is now faced with the following alternatives:

1. Process the original petition on the basis of the public hearing held on June 17, 1966.
2. Accept the petitioners' request to withdraw the original petition and process the new petition by scheduling another public hearing for the reclassification from Agricultural to Rural.

Should it be the Commission's decision to process the original petition, it would then be the staff's recommendation that the petition be denied on the basis of the analysis of the staff report of June 17, 1966.

A66-112 - FRANK & BESSIE MONIZ

Reclassification of approximately 6.9 acres of land located at Kaonoulu, Kula, Maui, from Agricultural to Rural was the subject of a hearing held on June 17, 1966. It was recommended by the staff at that time that the petition submitted by Frank & Bessie Moniz be denied since:

1. Data submitted by the petitioners consisted primarily of statements indicating the potential uses other than agricultural for the subject lands which do not substantiate the need for additional rural lands.
2. A change of the configuration of lands due to the construction of a new highway is not a change in trends of development.
3. The U. S. Census reports a 20 per cent decline in the population of the Waiakoa area during the period from 1950 to 1960 and this decreasing trend is also predicted for the period from 1960 to the present.
4. Examination of development trends within the existing Rural Districts in the area does not support the petitioners' suggestion of need for additional rural lands.
5. The petitioners have not considered the condition that only approximately 100 acres of the total 400-acre Rural District in the Kealahou to Kaonoulu area have actually developed to date as rural lands.

A66-113 - MAUI COUNTY (IAO)

A petition submitted by the County of Maui via the County Attorney and the County Engineer for the reclassification of approximately 15,300 square feet of lands from the Conservation District to the Rural District was heard by this Commission on June 17, 1966. The subject lands are located at the northeastern boundary of the Kepaniwai Park located in Iao Valley, Maui.

It was the staff's recommendation that the petition be denied since the need for additional rural lands in the area had not been substantiated. This recommendation was based upon evaluation of the petitioner's submittal that the reclassification is sought to effectuate a land exchange between the County and an adjoining property owner, Mrs. Adelaide Duarte. Moreover, Mr. John Duarte (the owner's spouse) had submitted that in the event that the reclassification is approved and the land exchange is effectuated, he would merely append the subject lands to his parcel. A mere appendage of the subject lands to Mr. Duarte's property, in essence, does not require a change in district classification since this can be done even with its present Conservation classification.

It is also noted that the County's proposal to relocate the existing caretaker's home to another site can be accomplished instead by using the subject lands although an expression to the contrary was made by the County. Mr. Duarte also indicated that he owned the present right-of-way to the County lot area and, therefore, his approval to move the caretaker's quarters to the County lands must be sought. However, the County Engineer's map clearly indicates that quite the opposite is the situation with Mr. Duarte presently gaining access to his lands through the County park lands and, therefore, should obtain County permission to use the access road.

In addition to the lack of substantiation for the need of additional rural lands, it is the opinion of the staff that the several inconsistencies involving the proposed land use of the subject lands, which have not been satisfactorily clarified, behoove the staff to maintain its original recommendation for denial.

A66-115 - HAWAII COUNTY PLANNING COMMISSION (LALAMILO LANDS, S. KOHALA)

This petition to change the district classification for approximately 12.1 acres of agricultural lands into urban lands at Lalamilo, South Kohala, Hawaii, was heard on June 17, 1966. It was the staff's recommendation that the petition be approved since the subject parcels were actually subdivided and sold over a period of five years from 1954 to 1958 before adoption of the State Land Use District Regulations. It was also noted that this established urban use is immediately adjacent to lands classified urban.

During the public hearing, no additional significant presentations were received and, therefore, the staff recommends approval of the petition.

A66-117 - HAWAII COUNTY (HILO)

A Hawaii County petition for the reclassification of approximately 3.25 acres of land from Agricultural to Urban was heard on June 17, 1966. It was the staff's recommendation that the petition be approved since these lands were first subdivided in 1951 and again in 1953 into lot sizes primarily suited and developed for urban purposes. Since that time, the County Planning Commission has obtained signatures of four of the five land owners involved indicating their concurrence with the proposed boundary change.

No other significant data were received at the public hearing and to date and, therefore, it is recommended that the petition be approved.

A66-120 - EDWIN & ELSIE IGE

Mr. and Mrs. Edwin T. Ige's petition requesting reclassification of approximately 58 acres of agricultural lands to a Rural classification was heard by the Land Use Commission on June 17, 1966. These lands are located approximately 1/2 mile mauka of the Waiakoa Urban District along the Lower Kula Highway.

A recommendation of disapproval of the petition was made by the staff since the petitioners had not provided any evidence to support their statement that there is a definite demand for rural lots in the Waiakoa area. No further evidence was submitted by the petitioners during the public hearing.

The staff recommendation for denial was also based upon its findings indicating that population growth in the Waiakoa area showed a 20 per cent decline during the decade from 1950 to 1960. Data was also presented relating to extensive vacancies and use of rural lands for agricultural purposes within a mile of the subject lands and, also, throughout the entire Kula area.

Further investigation into the matter of development trends in the Kula area has been made by the staff and it has been found that the Keokea area has declined in population over the past years from 1940 to 1960 as with the Waiakoa area. Another item of considerable significance is the building permit count for the Kula area which indicated that less than 16 building permits per year on an average were issued. This data evaluated in light of the more than 1,000 acres of undeveloped Rural District lands in the Kula area establishes, without any doubt, that there has been no construction boom in the Kula area.

It is recommended that the Commission take action on the basis of the staff's original recommendation for denial.

6. The 915-acre Rural District situated at Pulehu contains extensive acreage of approximately 645 acres that have not been developed to date as rural lands.

During the public hearing, a representative of the petitioners submitted that the U. S. Census report, which indicated a decline in population for the Waiakoa area, was a fallacy as evidenced by the tremendous upsurge of construction taking place in the Kula area. The petitioners' representative also stated that:

1. There were many reasons why approximately 400 acres presently classified in the Rural District were not fully developed. These were land ownership, cost of developing these properties, and topography and inadequate water supply.
2. Lands approved for development under special permit involving 14 acres for residential purposes had not been carried out since the owner had gone into a financial bind.
3. It would be unjust to allow lands to lie idle merely on the premise that there were other ample lands provided for expansion.
4. The rate of sales at Pukalani Terrace, a Rural District, has been very high.

Statements made by the petitioners at the public hearing rationalizing on matters of extensive vacant rural lands and the apparent lack of success of several developments in the rural lands, do not contribute to justification of the need for the proposed boundary change from Agricultural to Rural. Moreover, there would be questions on the validity of these rationalizations.

Statements by the petitioners purporting that the U. S. Census figures of declining population are incorrect needs no further comment. However, statements relating to a tremendous upsurge of construction in the Kula area have been merely statements without substantiation. Field investigations throughout the area have not turned up any evidence of an upsurge in construction. Also, contrary to the petitioners' statements, a count of building permits issued for construction in the Kula area does not indicate a significant upsurge in construction. During the period from 1960 to 1965, only an average of less than 16 building permits per year have been issued for construction in this area. This can hardly be construed to reflect an upsurge in construction in an area containing more than 1,000 acres of Rural District lands that are undeveloped.

It is recommended that this Commission take action to disapprove the petition based on the staff's presentation at the public hearing and the discussion submitted above.

File

1994

2121 MAIN STREET
Post Office Box 433
Phone: 33-737 or 33-738

MEYER M. UEOKA

ATTORNEY AT LAW
WAILUKU, MAUI, HAWAII 96793

July 26, 1966

RECEIVED

JUL 29 1966

State of Hawaii
LAND USE COMMISSION

Mr. George S. Moriguchi
Executive Officer
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Moriguchi:

Re: Petition of the Estate of
Sophie J. Cooke, Deceased

As you are aware we have filed an amended petition requesting an amendment to the district boundary of the certain parcel of land situate at Kalae, Molokai, belonging to the Estate of Sophie J. Cooke, Deceased, from agricultural to rural.

Very truly yours,



MEYER M. UEOKA

MMU:lst

Envelope addressed to Mr. Meyer Ueoka
Ogata and Ueoka
Wailuku, Maui, Hawaii 96793

July 20, 1966

Mr. Thomas S. Ogata
Ogata and Ueoka
Wailuku, Maui, Hawaii 96793

Dear Mr. Ogata:

The Land Use Commission next meets at 9:45 a.m. at the State Highway Division, District Engineers Office, Hawaii District, Hilo, Hawaii, on August 5, 1966.

On or about that time a decision of the petition by the Estate of Sophie Judd Cooke, deceased, (A66-110) will be rendered.

There is no requirement for you to be present. However, should you wish to attend, please feel free to do so.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson

STATE OF HAWAII
LAND USE COMMISSION

Kahului Library
Kahului, Maui

4:00 P.M.
June 17, 1966

STAFF REPORT

A66-110 - ESTATE OF SOPHIE JUDD COOKE (Dec'd)

Background

Cooke Trust Company, Ltd., through the law firm of Ogata and Ueoka, have submitted a petition for boundary amendment in behalf of the Estate of Sophie Judd Cooke. The petition involves approximately 4.9 acres of land presently districted as Agriculture situated at Kahanui, Molokai. An amendment of the district boundaries to an Urban classification is requested by the petitioners. The Kalae Urban District is situated approximately one-quarter mile to the northeast of the subject lands.

In support of their petition, the petitioners have indicated that:

1. The subject lands are classified as Class C and D lands and are not considered prime agricultural lands.
2. The area has been used for residential purposes by the Cooke family for many, many years.
3. It was Mrs. Cooke's desire to leave this property to her six children in the manner proposed in this petition. This intent is set forth in Mrs. Cooke's Last Will and Testament.
4. The subdivision in the manner proposed is unauthorized. Consequently, the property is needed for use other than that for which the district in which it is situated is classified.

5. The land is usable and adaptable for urban use for the reasons set forth in the Staff Report of the Land Use Commission on petition A(T)63-49.

A recommendation for approval of the petition has been received from the Maui Planning and Traffic Commission on the basis of the following:

1. The land is not needed for agriculture.
2. The land is adjacent to an urban district.
3. The land is adaptable and desirable for urban use.

Analysis

Present land use on the subject lands and in the immediate vicinity consists of low-density weekend and summer residences coupled with a few servants' quarters. The areas surrounding these residences are primarily in pasture with a small golf course situated to the northwest of these subject lands. At the Kalae Urban District, approximately one-quarter of a mile to the northeast, land use is primarily in single family residences. A small camp, known as the Maalehua Camp, is situated approximately three-quarters of a mile to the northwest of the subject lands and is included within the Agricultural District. Approximately 1 1/2 miles to the west is the Kualapuu Urban District and approximately 7 1/2 miles to the south is Kaunakakai, the principal urban district on Molokai.

Water service is available in the area which records an average annual rainfall of approximately 50 inches. Population in the area of the subject lands and the Kalae Urban District is approximately 150. The Kamehameha V Highway serves the area and fronts the subject lands.

The primary reasons proposed by the petitioners for the boundary amendment involves:

1. Mrs. Sophie Cooke's will which proposes the subdivision in order that the lands might be conveyed to her heirs.
2. That the lands have been used for residential purposes for many years.
3. That the lands are not prime agricultural lands.

It is apparent that the mere desire to convey lands to heirs in a manner that would not be in conformance with the Land Use District Regulations cannot be accepted as justification for a boundary amendment. The consequence of permitting amendments on this basis would be to negate the intent of the Land Use Law in preventing scattered urban subdivisions. While it is recognized that the subject lands are within one-quarter of a mile of an established urban district, "scatter" is a matter of separation between one district and another whether the distances involved in the separation are great or small.

Without first establishing the need for additional urban lands, the suggestion that the lands are not prime agricultural lands and should therefore be classified urban, is not valid. This is specifically provided for in the Land Use District Regulations which indicate that "lands with limited potential for other agricultural uses" may be included within the Agricultural District. Class C and Class D lands, such as those involved under the subject petition, actually have agricultural potential although they are not prime agricultural lands.

Past and present use of the subject lands cannot be "characterized by city-like concentration of people, structures, streets, and other related uses." The subject lands are not best suited for future urban growth in view of the surrounding agricultural uses and, in view of the existing Kalae Urban District.

The Land Use Commission staff report dated January 24, 1964, has been cited by the petitioners in support of their petition. However, it should be noted that the staff report refers to the present Kalae Urban District which, at the time of the writing of the report, was entirely within the Agricultural District of the temporary district boundaries. Since the presentation of the January 24, 1964 staff report, the Land Use Commission has finalized the establishment of a 120-acre urban district at Kalae, which in essence has provided for the recommendations made by that staff report.

In suggesting that the subject lands are needed for urban purposes, the petitioners have overlooked the existing extensive vacant areas within the Kalae Urban District. Of the 120 acres within this urban district, only approximately 12 acres are presently occupied and used for urban purposes. The remaining ninety per cent of the Kalae Urban District is either vacant or used for pasture lands. Under this condition, the Kalae Urban District has a potential of providing for more than 1700 persons or nearly a third again that of the present total population of the Island of Molokai, which is estimated at 5400 persons.

Recommendation

On the basis that the petitioners have not substantiated the need for additional urban lands in the area and that the present Kalae Urban District makes ample provision for urban expansion, the staff recommends denial of the petition.

Ac6-110 Cooke est. (Molokai)
General Notes

5-23-64
Agre to Urban
4.9 ac.

Subdivision for trails

Used for residential over years - now weekend use
Class C + D lands

Mrs Cooke's will sets forth proposal

Molokai Ranch would not object to putting roads
between Kalae + subject lands into urban.

Usable + adaptable for purposes set forth in L.U.C.

(staff report on A-T 63-49)

Since then L.U.C., has districted 120 ac
in urban.

Population estimated at 150 - Kalae area
Utility service available

Rainfall 50 inches

Class C + Class D soils

Kalae urban district - vacancy

projected possible pop. accommodation

Permitting
data

Cooke est. Pet. A66-110

Prepare land use map on TMK 5-2-16
determine:

vacant acreage 108 ac.

occupied acreage 12 ac

Total acreage in urban 120 ac

10% occupied

90% vacant

~~120~~ $\frac{108}{16}$ (4 lots/ac x 4 persons/lot)

648

$\frac{108}{1728}$

person capacity = 35% of present total
population of Molokai

Projected 10 yr growth for all of Molokai = ± 650 persons

Present pop. ± 5400 for Molokai

June 1, 1966

Mr. Thomas S. Ogata
Ogata and Ueoka
Wailuku, Maui, Hawaii 96793

Dear Mr. Ogata:

The Land Use Commission next meets on June 17, 1966, at 4:00 p.m. at the Kahului Library, Kahului, Maui. At that time, the application by the Estate of Sophie Judd Cooke, deceased, (A66-110) to amend the land use district boundaries at Kahanui (Kalae), Molokai, will be heard.

Very truly yours,

George S. Moriguchi
GEORGE S. MORIGUCHI
Executive Officer

Type-CR050
25% COTTON FIBER

"Protest" on press marks of this petition
Protest No. 1140 4-24-64 (Kay)

STATE OF HAWAII
Department of PLANNING
AND ECONOMIC DEVELOPMENT

1..... 2..... 3..... 4.....

5..... 6..... 7..... 8.....

LUC..... OTS.....

Originator:

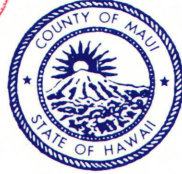
DUE DATE.....

.....For Your InformationApproval
.....Appropriate ActionSignature
.....See Me ()Please Type
.....Note & Return to ()Investigate & Report
.....Prepare Draft: letter, report, memorandum
.....VerifaxcopiesComment &
.....Recommendation
.....Mail
.....FileDiscard
.....Direct Reply with copy to Director

*Check for previous
S.P. or protest*

(Keep routing slip attached to material)

JOSEPH S. MEDEIROS, JR., CHAIRMAN
KAZUO KAGE, VICE-CHAIRMAN
G. ALAN FREELAND, MEMBER
WILLIAM HONG, MEMBER
YOSHIKAZU MATSUI, MEMBER
PETER MATSUOKA, MEMBER
MOTOHISA UNEMORI, MEMBER



1889

KOICHI HAMADA, EX-OFFICIO
HIDEO HAYASHI, EX-OFFICIO
JEAN R. LANE, EX-OFFICIO
MASAO SONE, EX-OFFICIO
ROBERT O. OHATA, PLANNING DIRECTOR
MRS. EVA M. DUPONTE, ADM. ASST.

**PLANNING & TRAFFIC COMMISSION
COUNTY OF MAUI**

POST OFFICE BOX 1487
KAHULUI, MAUI, HAWAII 96732

March 9, 1966

RECEIVED

MAR 11 1966

State of Hawaii
LAND USE COMMISSION

Mr. Myron B. Thompson, Chairman
Land Use Commission
State of Hawaii
426 Queen Street
Honolulu, Hawaii 96813

Dear Mr. Thompson:

The Maui Planning and Traffic Commission at its meeting of March 8, 1966, voted unanimously to recommend approval of amendment to the district boundaries in Molokai as requested by the estate of Sophie Judd Cooke. The recommendation of approval is based on the following:

1. The land is not needed for agriculture.
2. The land is adjacent to an urban district. *-?*
3. The land is adaptable and desirable for urban use.

Yours very truly,

Robert O. Ohata

ROBERT O. OHATA
Planning Director

cc: Ogata & Ueoka

State Form B14

STATE OF HAWAII

Department of Planning
and Economic Development

Department, Bureau or Commission

OFFICIAL
RECEIPT

No. 105

March 10, 1966

RECEIVED from

Cooke Trust Co., Ltd.

Fifty and no/100

DOLLARS

Public Hearing Fee - Land Use Commission

\$

50⁰⁰

Henry D. Kukula
Public Accountant

February 28, 1966

Mr. Robert Ohata, Director
Planning & Traffic Commission
County of Maui
P. O. Box 1487
Kahului, Maui

Dear Mr. Ohata:

Pursuant to Section 98H-4, RLM 1955, as amended, and Act 32/SLH 1965, a copy of a petition for amendment to the Land Use District Boundaries, submitted by the Estate of Sophie Judd Cooke, deceased, together with supporting data, is forwarded to you for your comments and recommendations.

Thank you for your cooperation.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

Encls.

February 28, 1966

Mr. Thomas S. Ogata
Ogata and Ueoka
Wailuku, Maui, Hawaii 96793

Dear Mr. Ogata:

This is to acknowledge the receipt of a check in the amount of \$50.00 for an application by the Estate of Sophie Judd Cooke, deceased, to amend the land use district boundaries at Kahanui (Kalae), Molokai, described by Tax Map Key 5-2-13: 17.

In accordance with Section 98H-4, RLH 1953, as amended, and Act 32/SLH 1965, this Commission must schedule a public hearing on your petition no sooner than 60 days and no more than 120 days. After 45 but within 90 days following the public hearing, the Land Use Commission is obliged to render a decision on your petition.

A hearing schedule will be determined at a later date to consider the several pending petitions, including yours, in the County of Maui. We will inform you of the date of the hearing as soon as it is determined.

Should any questions develop in the meantime, we will contact you. If you should have any questions, please feel free to contact us.

Very truly yours,

GEORGE S. MORIGUCHI
Executive Officer

cc: Chairman Thompson
Planning Director, Maui

STATE OF HAWAII

Land Use Commission

Department, Bureau or Commission

OFFICIAL
RECEIPT

NO

126

February 28

1966

RECEIVED from

Cooke Trust Company Limited

Fifty + ⁰⁰/₁₀₀

DOLLARS

*Petition for Boundary change by Estate of
Sophie Justh Cooke, Dec.*

\$

50⁰⁰

Don G. Horikawa

Public Accountant

THOMAS S. OGATA
MEYER M. UEOKA

1878

2121 MAIN STREET
Post Office Box 433
Phone: 33-737 or 33-738

OGATA & UEOKA
ATTORNEYS AT LAW
WAILUKU, MAUI, HAWAII 96793

RECEIVED

February 12, 1966

FEB 28 1966

State of Hawaii
LAND USE COMMISSION

A66-110

State Land Use Commission
426 Queen Street
Honolulu, Hawaii

Gentlemen:

We enclose original and two copies of a petition for amendment to Land Use Commission district boundary from agricultural to urban for Tax Map Key, Second Taxation Division, 5-2-13:17, situate at Kahanui (Kalae), Island of Molokai, County of Maui. The above described parcel of land contains an area of 4.864 acres and now constitutes a part of the Estate of Sophie Judd Cooke, deceased, and is located on the central plateau of Molokai, a short distance makai of the Kalae subdivision, which has been designated as an urban district. The subject property fronts on Kamehameha V Highway, and no part thereof constitutes prime agricultural land, as this section of the island has been aptly described as "interlocking fingers of Class C and D (Land Study Bureau rating) lands with steep gully areas".

The area sought to be rezoned has been used for residential purposes by the Cooke family for many, many years and prior to Mrs. Cooke's death, it was her desire to leave this property to her six children, each to receive a portion of the same, and to effectuate her intention it was proposed to subdivide the said parcel of land as indicated on the enclosed sketch. Mrs. Cooke's plan to distribute the said property to her children in this manner is also set forth in her Last Will and Testament, now being probated.

Under the existing district boundary in which the

State Land Use Commission
February 12, 1966
Page 2

said parcel of land is included, the subdivision of the same in the manner proposed is unauthorized. Consequently, the property is needed for a use other than that for which the district in which it is situated is classified, and it is also submitted that the land is usable and adaptable for the use it is proposed to be classified, for the reasons set forth in the staff report of the Land Use Commission on the petition of Park Engineering, Inc., same being Petition "(A(T)63-49)", a copy of which is enclosed.

We also understand that Molokai Ranch, Ltd., the owner of the land situate between the existing urban area of Kalae and the parcel under consideration would not object to have the intervening land included in the enlarged urban district.

A check in the sum of \$50.00 in favor of the State of Hawaii is also enclosed, in accordance with your rules. We also request that all communications in regard to this petition be addressed to us as attorneys for the Petitioner.

Very truly yours,

OGATA & UEOKA

By Thomas S. Ogata

TSO:lst
Encls.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

RECEIVED

FEB 28 1966

State of Hawaii
LAND USE COMMISSION

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
by LUC _____

A66-110

PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

(I) (We) hereby request an amendment to the Land Use Commission District Boundary respecting the County of Maui, Island of Molokai, map number and/or name Mo-3 to change the district designation of the following described property from its present classification in a(n) agricultural district into a(n) urban district.

Description of property:

All that certain piece or parcel of land, being a portion of L.C. Aw. 7755:1, containing an area of 4.864 acres, situate at Kahanui, Molokai, Hawaii.

Petitioner's interest in subject property:

The above described property was owned by Sophie Judd Cooke, now deceased, and is part of the Estate of Sophie Judd Cooke, deceased, pending probate.

Petitioner's reason(s) for requesting boundary change: The area sought to be re-classified has been devoted to residential use for many years. It was the desire of Mrs. Cooke to subdivide the area into six lots with areas ranging from 27,313 square feet to 41,854 square feet, as shown on the enclosed map, so that a parcel of the subdivided land can be distributed to each of the six surviving children of Mrs. Cooke.

(1) The petitioner will attach evidence in support of the following statement:

The subject property is needed for a use other than that for which the district in which it is located is classified.

(2) The petitioner will attach evidence in support of either of the following statements (cross out one):

(a) The land is usable and adaptable for the use it is proposed to be classified.

~~(b) Conditions and trends of development have so changed since adoption of this present classification, that the proposed classification is~~
~~XXXXXXXXXX~~

ESTATE OF SOPHIE JUDD COOKE, deceased.
Signature(s) By Cooke Trust Co., Ltd.

J.P. Dutton Vice-President
Y. Malakau Vice-President

Address: 2121 Main Street

Telephone: 33737

STATE OF HAWAII
LAND USE COMMISSION

Community Center
Kaunakakai, Molokai

7:00 P.M.
January 24, 1964

STAFF REPORT

Subject: PARK ENGINEERING, INC. Petition (A(T)63-49) for Amendment to Temporary District Boundary from Agricultural to Urban for TMK 5-2-16: 47, Second Division, situated at Naiwa (Kalae), Molokai, County of Maui

Background

Under Act 205, Section 98H-4, Amendments to district boundaries, the law states: (1) "No change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified;" and (2) "either of the following requirements has been fulfilled: (a) the petitioner has submitted proof that the land is usable and adaptable for the use it is proposed to be classified, or (b) conditions and trends of development have so changed since the adoption of the present classification, that the proposed classification is reasonable." In support of (1) above, the petitioner has submitted the following statement:

"The subject property is needed for a use other than that for which the district in which it is located is classified."

In support of (2)(a) above, the petitioner has submitted the following statement:

"The land is usable and adaptable for the use it is proposed to be classified."

The Maui Planning & Traffic Commission voted unanimously to recommend approval of the petition on the basis that "the proposed land use boundary of which the County agrees, shows this area as Urban."

The subject parcel lies within a residential subdivision which is contiguous to other subdivided areas in residential use, also. The total subdivided area in general residential use is relatively small, consisting of about 63 lots, ranging in sizes from 0.18 acre (7,770 sq. ft.) to 4.11 acres, and containing a total area of about 45 acres. The smallest lot is vacant and the largest contains 13 single family dwelling units.

There is a total of about 33 single family dwellings about half of which have been constructed in the past 2 to 3 years. The Kalae Lodge, a commercially operated hostelry, is located in the residential subdivisions nearby. There are no other commercial type uses in the area.

A paved state highway, Kamehameha V Highway, extends through most of the subdivided area, and fronts the subject parcel.

The total subdivided areas are serviced by a County water system with an existing capacity of 0.15 mgd. according to the State General Plan.

Assuming a consumption rate of 100 gpcd, the existing capacity can provide for 1,500 people. Assuming an average of 4 people per family, there are 33 x 4 or 132 people in the subdivided area, say 150 including some additional residences nearby. The existing source appears sufficient for an increase in population in this area.

Telephone and electric power are currently supplied to this area and can easily take on additional loads. An elementary and high school are located 3½ miles away along the paved highway. The elementary school is to be relocated a mile closer to this area in the immediate future. The high school is the only high school on the island and is centrally located with respect to population distribution on the entire island. A small commercial development

is located about 2½ miles away in the village of Kualapuu (population of approximately 500). There is a post office, 2 stores, a gasoline station, theater and barber shop. However, the entire island does general shopping in the only town, Kaunakakai, located centrally on the Island along the lee shore and some 8.5 miles away from Kalae.

The Kalae area is the only area on the central plateau of Molokai which has and is being subdivided for residential uses. Elsewhere on the Island residential subdivisions have occurred only along the shoreline from Kaunakakai towards the east. Extensive agricultural subdivisions of the Hawaiian Homes Commission, of course, exist on the central plateau.

The Kalae area may be described as interlocking fingers of Class C and D (Land Study Bureau rating) lands with steep gully areas. In recent years, cattle grazing has supplanted pineapple in adjoining areas. Temperatures are considerably cooler than the leeward shore and annual rainfall averages 50 inches.

The Kalae residential area has developed because it offers the particular climatic conditions desired by a segment of the population and in association with availability of land on a fee simple basis.

Analysis

As pointed out in Molokai: Present and Potential Land Use, ^{1/} "In spite of the physical and economic limitations that have guided Molokai's development to date, the potential for both agricultural and nonagricultural expansion is tremendous. This potential has been pointed out by the Bureau's (Land Study Bureau) determination and presentation of alternative uses of Molokai's

^{1/} University of Hawaii, Land Study Bureau publication written by Harold L. Baker, August 1960.

lands, and productivity of these lands in the specified uses." The basis of this statement may be examined in detail in the cited literature. In summary, Molokai's potential for growth is generally based on the following principal factors:

1. As the nearest neighbor island to Oahu, it offers an opportunity to relieve some of the land use problems on Oahu.
2. Progress on an 8.2 million dollar "Molokai Irrigation and Water Utilization Project" is substantial and the project will soon be operational. It is estimated that the project will yield 12 to 14 mgd and can irrigate 13,260 acres of pineapple and 400 acres of diversified crops. The source can be expanded and the system can take a considerable future increase in volume.
3. Land Study Bureau statistics on generalized classification of lands according to suitability for intensive agriculture indicate that 16,957 acres of land not now classified as prime (Class A & B) can be made prime with irrigation. This potential is significant in view of the nearly completed 8.2 million dollar Irrigation Project with its potential for further development and, the fact that the potential prime agriculture acreage on Molokai is 4 times more than the total potential on other islands as shown below:

Kauai	520 acres
Oahu	3,722 acres
Maui	0
Lanai	0
Hawaii	0
Total	<u>4,242 acres</u>

Virtually all of this potential prime agricultural land is located on the central plain & western half of the Island.

4. The U. S. Army Engineers have concluded that a 7.9 million dollar deep water harbor at Kaunakakai is economically justified and Congress has appropriated a \$100,000 for construction drawings.
5. There is a prospect of a pineapple cannery.

The potential for Molokai is discussed to indicate that continued growth on the central plateau and West end area of Molokai, and the subsequent continuing demand for residential use, is a reasonable expectation. This expectation is supported by a moderate increase in population during the past several years and, all new increased employment has occurred in the western half of the island. (i.e., Coast Guard-Loran Station, radio-communication facilities, Molokai Irrigation Project and other construction projects.) The future potential and subsequent additional employment will occur in the same general region.

The urbanizing process has been initiated in the Kalae area primarily due to availability of land and desirable climatic conditions. These reasons still exist and, for the other reasons cited above, the urbanizing process is continuing. There is adequate space for substantial expansion should there be such a magnitude of demand. The area generally contains adequate facilities for current more limited expansion and the costs of such required public facilities will not be an undue burden upon the public. The adjacent area is not prime agricultural lands and are currently used for grazing.

The urbanization of the Kalae area conforms to the State General Plan. While Maui County has not yet adopted a General Plan for Molokai, their preliminary worksheets show an urban pattern in this area.

Proposed final district boundary maps of the Land Use Commission also show the area involved in the Urban district.

Recommendation

The staff recommends that this petition be granted on the following bases:

1. The area is needed for a use other than that for which the district in which it is situated is classified.
2. The land is usable and adaptable for the use it is proposed to be classified.
3. The tenet of preserving prime agricultural areas, when other lands are available that could serve adequately the urban needs, is promoted.
4. The tenet of preventing scattered subdivisions with expensive yet reduced, public services, is not violated.

STATE OF HAWAII
LAND USE COMMISSION

426 Queen Street
Honolulu, Hawaii

This space for LUC use

Date Petition and Fee received
by LUC _____

Date forwarded to County
for recommendation _____

Date Petition, and County
recommendation received
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PETITION FOR AMENDMENT TO THE LAND USE COMMISSION DISTRICT BOUNDARY

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ESTATE OF SOPHIE JUDD COOKE, deceased.
Signature(s) By Cooke Trust Co., Ltd.

J.P. Shuttleworth Vice-President
Y. Maki Vice-President

Address: 2121 Main Street

Telephone: 33737

STATE OF HAWAII
LAND USE COMMISSION

Community Center
Kaunakakai, Molokai

7:00 P.M.
January 24, 1964

STAFF REPORT

Subject: PARK ENGINEERING, INC. Petition (A(T)63-49) for Amendment to Temporary District Boundary from Agricultural to Urban for TMK 5-2-16: 47, Second Division, situated at Naiwa (Kalae), Molokai, County of Maui

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Recommendation

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2. The land is usable and adaptable for the use it is proposed to be classified.
3. The tenet of preserving prime agricultural areas, when other lands are available that could serve adequately the urban needs, is promoted.
4. The tenet of preventing scattered subdivisions with expensive yet reduced, public services, is not violated.

Reg. No 30904

Molokai Sea-Side Inn KAUNAKAKAI, MOLOKAI, HAWAII

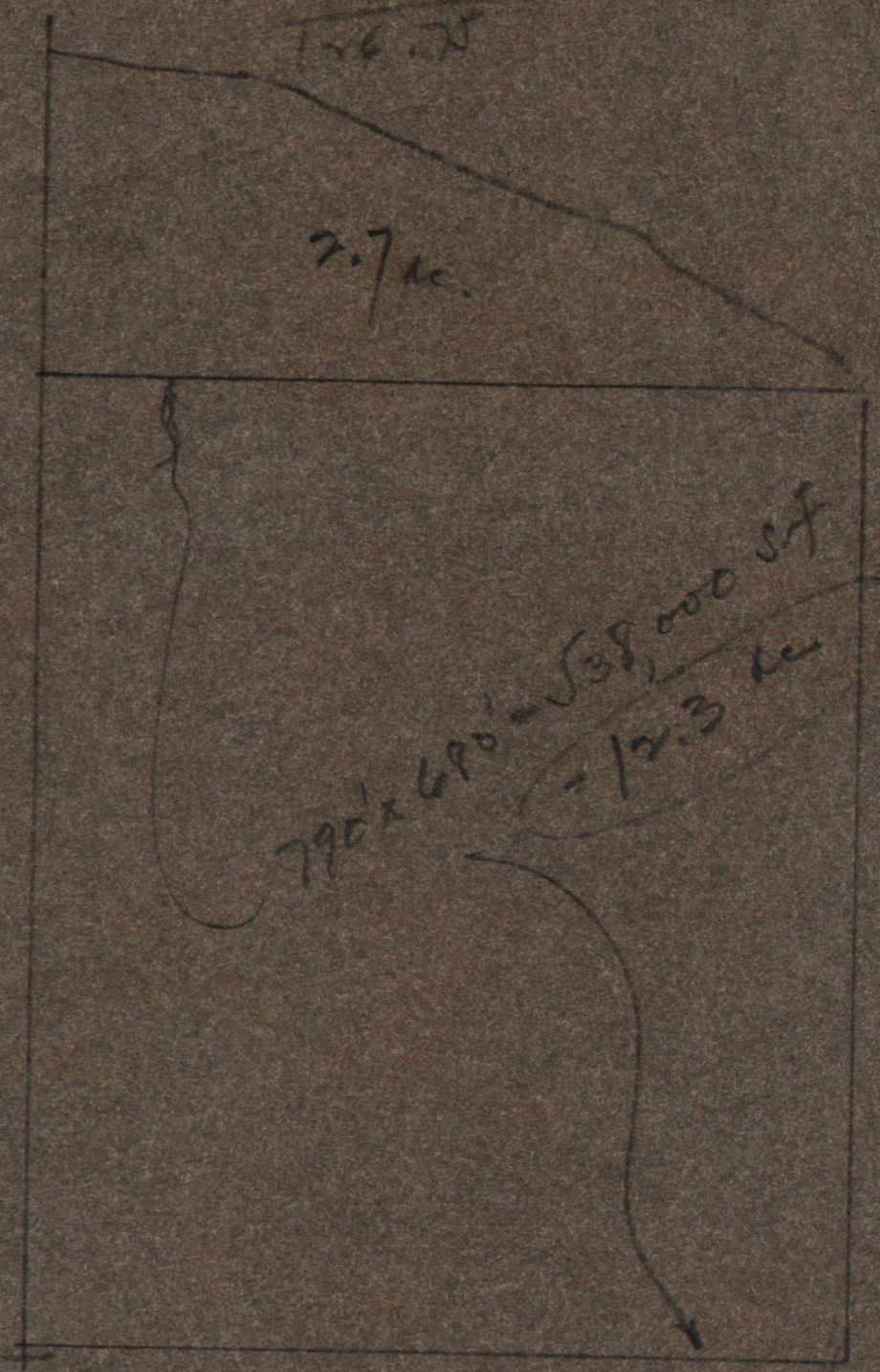
ROOM	31
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GUEST LEDGER

NAME	Thompson		REMARKS	RATE	ARR.	DEP.	DAYS
ADDRESS							
CITY	Honolulu, Hawaii						
Date	19	20					
Room	5.00	✓					5.00
Meals							20
Bar							5.20
Tobacco							
Room Service							
Auto Hire							
Laundry							
Phone							
<p><i>Paid in full 8.20.66</i></p>							
TODAY'S CHARGES							
PREVIOUS CHARGES							
TOTAL CHARGES							
CREDITS							

~~107.95~~
 97.95
 24.8
 126.75

46847
 38142
 18902
 12883
 116774 sf
 = 2.7 ac

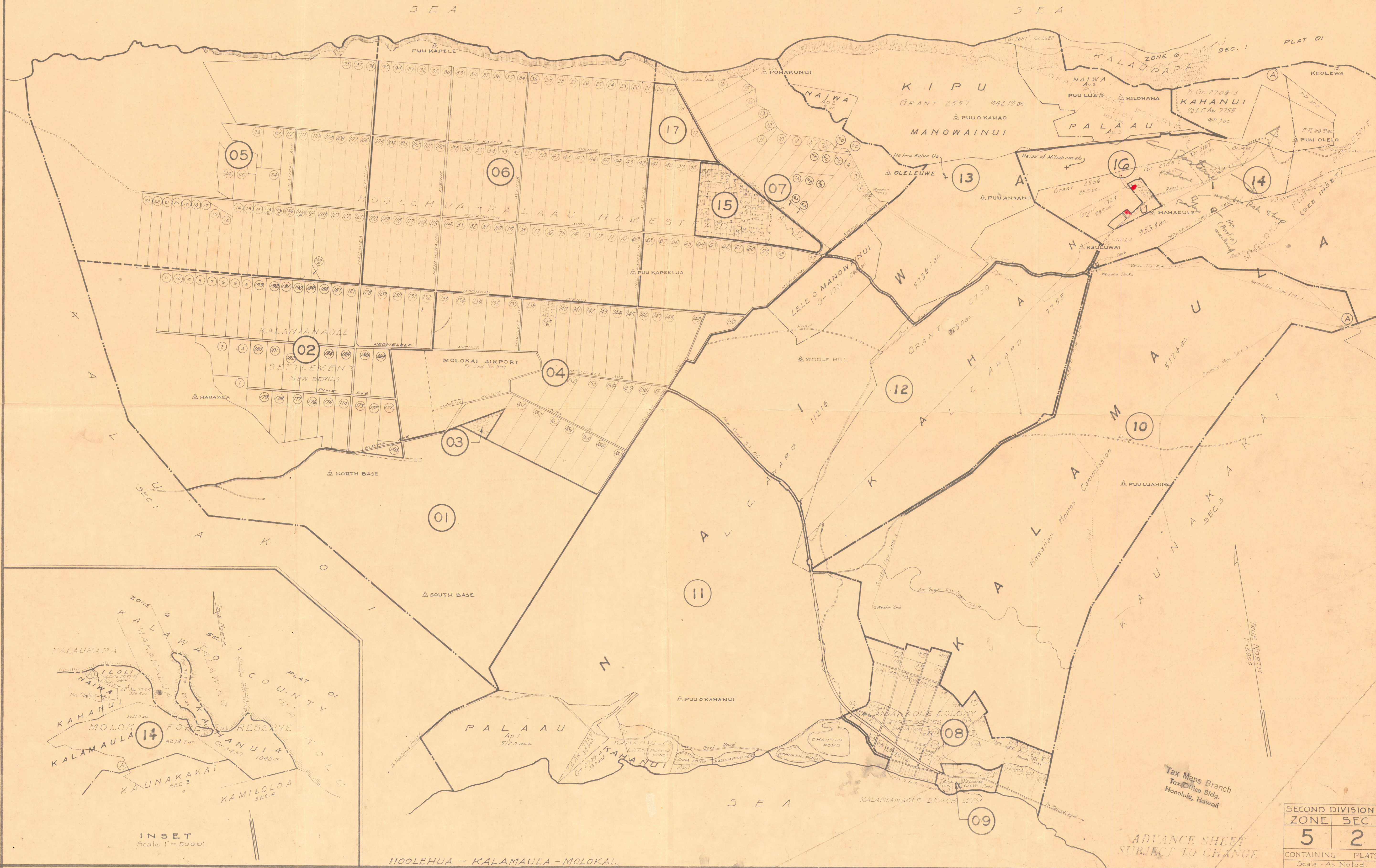


2.7
 12.3
 13.8
 13.8
 7.8
 30.6

$250' \times 2400' = 600,000 \text{ s.f.}$
 $= 13.8 \text{ ac.}$

TAK 5-2-16

DEC 17 1946
OCT 1 1947



Dwg. No. 123
 Appr. by: F.B. & P. Jan. 1933
 Revised by: Tax Maps Bureau
 Source: Tax Maps Bureau
 Survey Dept.



INSET
Scale 1" = 5000'

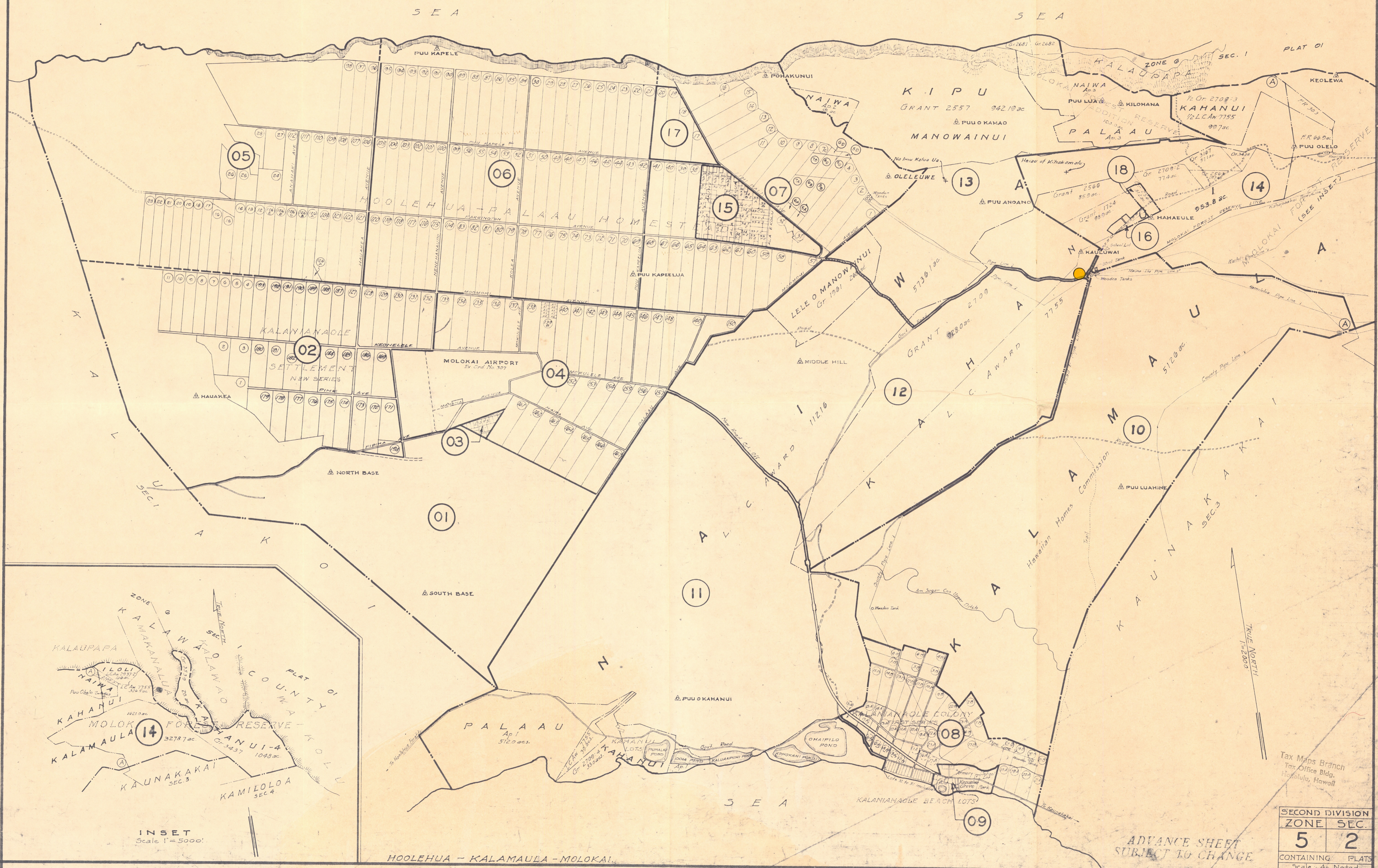
Tax Maps Branch
 Tax Office Bldg.
 Honolulu, Hawaii

ADVANCE SHEET
 SUBJECT TO CHANGE

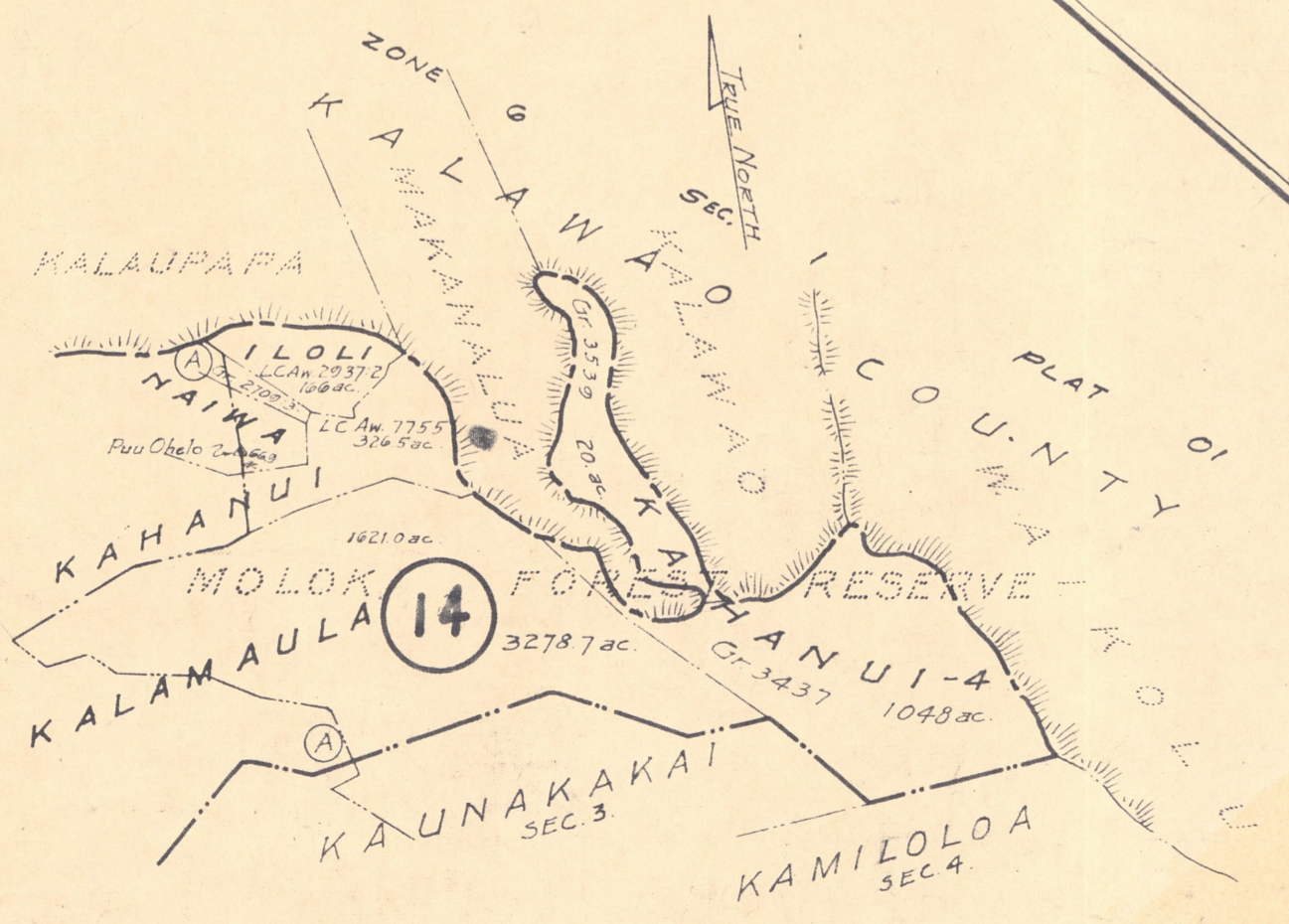
SECOND DIVISION	
ZONE	SEC.
5	2
CONTAINING PLATS	
Scale - As Noted.	

7553

CORRECTED
DEC 17 1946
OCT 1 1947



Dwg. No. 1236
 Appr. by: [Signature]
 By: F.B. & P. Jan. 1933
 Source: Tax Maps Bureau & Survey Dept.



SECOND DIVISION	
ZONE	SEC.
5	2
CONTAINING PLATS	
Scale - As Noted	
MAY 3 1966	

ADVANCE SHEET
SUBJECT TO CHANGE

Tax Maps Branch
Tax Office Bldg.
Honolulu, Hawaii

HOOLEHUA - KALAMAULA - MOLOKAI